

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH (CASBN 163973)  
Chief, Criminal Division

WILLIAM FRENTZEN (LASBN 24421)  
ROBERT DAVID REES (CASBN 229441)  
Assistant United States Attorneys

450 Golden Gate Avenue  
San Francisco, California 94102  
Telephone: (415) 436-7200  
Facsimile: (415) 436-7234  
Email: william.frentzen@usdoj.gov, robert.rees@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DENNIS CYRUS, JR.,

Defendant.

No. CR 05-00324 MMC

**STIPULATION AND ~~PROPOSED~~  
PROTECTIVE ORDER RE:  
DISCLOSURE OF SAN FRANCISCO  
POLICE DEPARTMENT CRIME  
LAB INFORMATION**

With the agreement of the parties, and with the consent of the defendant, the Court enters the following order:

Defendant Dennis Cyrus, Jr. has requested information regarding the San Francisco Police Department Crime Lab and the United States is willing to produce information on that subject. The United States has obtained numerous documents from the San Francisco Police Department regarding the crime lab that it intends to produce. These documents contain, among other things, internal personnel files, reports of investigations, and other sensitive and personal information. Accordingly, the United States requests, and, defendant agrees, that disclosure of these materials be subject to the

1 following restrictions:

2 1. Except when being actively examined for the purpose of the preparation of  
3 the defense of defendant, the information produced by the United States to defense  
4 counsel shall be maintained in a locked safe, secure drawer, or cabinet, which is  
5 accessible only to defense counsel and counsel who are members of their case preparation  
6 teams working with them in the federal criminal defense of the defendant. Defense  
7 counsel and members of their case preparation team shall not permit any person access of  
8 any kind to the information except as set forth below.

9 2. The following individuals may examine the information for the sole  
10 purpose of preparing the federal defense of defendant and for no other  
11 purpose:

- 12 a. Counsel for the defendant, John T. Philipsborn and James S.  
13 Thomson;
- 14 b. Persons employed, or who have been contracted to work on this  
15 case, by defense counsel who are assisting with the preparation of  
16 defendant's federal defenses;
- 17 c. Any expert(s) retained on behalf of defendant to assist in the defense  
18 of this matter;
- 19 d. Any investigator(s) retained on behalf of defendants to assist in the  
20 defense of this matter; and
- 21 e. Defendant Dennis Cyrus, Jr., who may examine the information only  
22 in the presence of his counsel, and who may not personally receive  
23 or keep any copies of the information.
- 24 f. Counsel for the defendant shall maintain a log of any copies made,  
25 provided, and/or examined to or by any of the aforementioned  
26 individuals, which log shall include the document(s) copied or  
27 examined and the person(s) provided to for each copy made.

28 3. A copy of this order shall be maintained with the information at all times.

- 1           4.     All individuals who receive access to the materials pursuant to this Order,  
2                 prior to receiving access to the materials, shall sign a copy of this order  
3                 acknowledging that:
- 4                 a.     They have reviewed the order;  
5                 b.     They understand all its contents;  
6                 c.     They agree that they will only access the information for the  
7                         purposes of preparing a federal defense for defendant;  
8                 d.     They understand that failure to abide by this order may result in  
9                         sanctions by this Court and criminal charges for contempt.
- 10           5.     With regard to the orders signed pursuant to paragraph 4, counsel for  
11                 defendant shall promptly file signed copies of the order, ex parte and under  
12                 seal. The United States shall have no access to these signed copies without  
13                 further order of the Court.
- 14           6.     No other person may be allowed to examine the material without further  
15                 court order. Examination of the information shall be done in a secure  
16                 environment which will not expose the materials to other individuals not  
17                 listed above.
- 18           7.     Other than the copies authorized and logged in paragraph 2, no copies of  
19                 any of the information may be made without further court order.
- 20           8.     Any pleadings that include or make reference to the information, or the  
21                 above-described orders or their contents, shall be filed under seal, absent  
22                 express written stipulation by the parties.
- 23           9.     No person who has access to the information shall inform any individual  
24                 not listed above as to the contents of the information disclosed in any  
25                 manner, form, or fashion, whether written or oral. This obligation shall  
26                 include suggesting in any way to an uncovered individual that any  
27                 particular document has been provided.  
28

1           10.    Counsel for the defendant, within five court days of the conclusion of the  
2                   above-captioned proceedings before the district court shall retrieve all  
3                   copies made of all documents provided to anyone pursuant to this order and  
4                   maintain them in a secure environment which will not expose the materials  
5                   to any other person. By the same time, counsel for the defendant shall also  
6                   file under seal and ex parte the log described in Paragraph 2.f. The United  
7                   States shall have no access to this log without further order of the Court.  
8                   By the same time, counsel for the defendant shall also file a sworn  
9                   declaration indicating that all copies of the aforementioned materials have  
10                  been retrieved and maintained in a secure environment which will not  
11                  expose the materials to any other person. If the defendant believes that any  
12                  of these materials must be released to any other person for any reason  
13                  related to appeal, the defendant must seek authorization from the District  
14                  Court.

15  
16 IT IS SO STIPULATED:

17                                   JOSEPH P. RUSSONIELLO  
18                                   United States Attorney

19 DATED: June 15, 2010

20                                   By: \_\_\_\_\_/s  
21                                   WILLIAM FRENTZEN  
22                                   ROBERT DAVID REES  
23                                   Assistant United States Attorneys

24 DATED: June 15, 2010

25                                   \_\_\_\_\_/s  
26                                   JOHN T. PHILIPSBORN  
27                                   Attorney for Dennis Cyrus, Jr.

28 DATED: June 15, 2010

                                      \_\_\_\_\_/s  
                                      JAMES S. THOMSON  
                                      Attorney for Dennis Cyrus, Jr.

1 IT IS SO ORDERED that disclosure of the above-described materials shall be  
2 restricted as set forth above.  
3

4 DATED: June 16, 2010  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
HON. MAXINE M. CHESNEY  
United States District Judge